

MAR 24 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 09-90088

**ORDER**

**KOZINSKI**, Chief Judge:

Complainants allege that a magistrate judge improperly granted summary judgment against them in a civil case. This charge relates directly to the merits of the judge's ruling and must therefore be dismissed. See 28 U.S.C.

§ 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainants also allege that the judge was biased against them because they appeared pro se, made improper statements during a hearing and misled them on the law governing their claim. But a review of the evidence complainants have submitted reveals no bias or untoward legal advice. Additionally, the judge's allegedly improper statements have either been mischaracterized by complainants or were benign. The judge was courteous at all times. As complainants haven't provided any other objectively verifiable proof to support these allegations, these charges must be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d

1093, 1093 (9th Cir. Jud. Council 2009).

**DISMISSED.**